

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TRUSTEES OF THE PLUMBERS & PIPEFITTERS'
NATIONAL PENSION FUND; TRUSTEES OF THE
PLUMBERS & PIPEFITTERS' INTERNATIONAL
TRAINING FUND; TRUSTEES OF THE PLUMBERS
AND PIPEFITTERS' LOCAL UNION NO. 4 HEALTH
& WELFARE FUND; PENSION FUND; ANNUITY
FUND; JOINT APPRENTICE TRAINING FUND;
INDUSTRY FUND; BUILDING & RELIEF FUND and
PLUMBERS AND PIPEFITTERS UNION LOCAL NO. 4

Plaintiffs

VS.

HVAC MECHANICAL SYSTEMS, INC.

Defendant

Civil Action No.
04-11776 (NG)

October 29, 2004

DECLARATION OF JOHN M. BROWN

I, John M. Brown, of Robert M. Cheverie & Associates, P.C., counsel of record for Plaintiffs, Trustees of the Plumbers & Pipefitters' National Pension Fund; Trustees of the Plumbers & Pipefitters' International Training Fund; Trustees of the Plumbers and Pipefitters' Local Union No. 4 Health & Welfare Fund; Pension Fund; Annuity Fund; Joint Apprentice Training Fund; Industry Fund; Building & Relief Fund and Plumbers and Pipefitters Union Local No. 4 (the "Plaintiffs"), hereby certify, declare and verify under penalty of perjury, pursuant to 28 U.S.C. Section 1746, this 29th day of October 2004, the following:

ROBERT M. CHEVERIE & ASSOCIATES, P.C.


COMMERCE CENTER ONE • 333 EAST RIVER DRIVE • SUITE 101 • EAST HARTFORD, CT 06108 • (860) 290-9610 • FAX (860) 290-9611 • JURIS NO. 405719

1. I am an attorney with the law firm of Robert M. Cheverie & Associates, P.C., the counsel of record for the Plaintiffs.
2. The law firm of Robert M. Cheverie & Associates, P.C. expended nine (9) hours in the above-captioned case on behalf of Plaintiffs.
3. The amount of time expended is within the usual and customary time spent by an attorney on this type of case.
4. Robert M. Cheverie & Associates, P. C. has negotiated a fee of One Hundred Ninety Dollars (\$190.⁰⁰) per hour for attorney time with its client, the Trustees of the Funds, for the performance of this type of legal representation. We believe that this hourly fee is below the usual and customary fee charged for this type of work.
5. Plaintiffs' counsel respectfully requests the Court to grant Plaintiffs' attorney's fees in the amount of \$1,710.⁰⁰.
6. This law firm has incurred costs of \$206.08 to prosecute this action. Specifically, \$150.⁰⁰ was incurred to file the Complaint, and \$56.08 was incurred to have the

Summons and Complaint served upon Defendants for service of process by the State Marshal's Office.

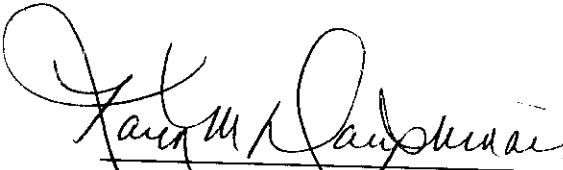
7. The Defendant HVAC Mechanical Systems, Inc. is neither incompetent nor in the military service of the United States.

DATED this 29th day of October 2004, at East Hartford, Connecticut.


John M. Brown

SUBSCRIBED and sworn to before me this 29th day of October 2004.

KAREN M. DAUPHINAIS
NOTARY PUBLIC
MY COMMISSION EXPIRES JULY 31, 2007


Karen M. Dauphinais
Notary Public

JMB.LOCAL 4.HVAC MECHANICAL
Application for Default Judgment.10-29-04